

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>DATE:</b>
<b>v.</b>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>SHIRON HARKNESS</b>	<b>:</b>	<b>VIOLATIONS:</b> <b>21 U.S.C. § 841(a)(1) (possession</b> <b>with intent to distribute) - 1 count</b> <b>21 U.S.C. § 860 (possession with</b> <b>intent to distribute within 1,000 feet</b> <b>of a school) – 1 count</b> <b>Notice of additional factors</b> <b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

SHIRON HARKNESS

knowingly and intentionally possessed with intent to distribute more than five grams, that is, approximately six grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

## **COUNT TWO**

THE GRAND JURY CHARGES FURTHER THAT:

On or about March 25, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHIRON HARKNESS**

knowingly and intentionally possessed with intent to distribute more than five grams, that is, approximately six grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia, Pennsylvania.

In violation of Title 21, United States Code, Section 860.

### **NOTICE OF ADDITIONAL FACTORS**

THE GRAND JURY FURTHER CHARGES THAT:

1. At the time defendant SHIRON HARKNESS committed the offenses charged in Counts One and Two of this indictment he was at least 18 years old.

2. At the time defendant SHIRON HARKNESS committed the offenses charged in Counts One and Two of this indictment, he had three prior felony convictions for controlled substance offenses, and was on probation as described in U.S.S.G. § 4A1.1, § 4A1.2, § 4B1.1 and § 4B1.2.

3. At the time defendant SHIRON HARKNESS committed the offense charged in Count One of this indictment, he was within 1,000 feet of the real property comprising the Blaine Academics Plus School, 3001 West Berks Street, Philadelphia, Pennsylvania, a protected location as described in U.S.S.G. § 2D1.2 .

4. The offenses charged in Counts One and Two of this indictment involved five or more grams of cocaine base, that is, “crack” as described in U.S.S.G. § 2D1.1.

### **NOTICE OF DRUG FORFEITURE**

As a result of the violations of Title 21, United States Code, Section 841(A)(1) and Section 860, set forth in this indictment, defendant

SHIRON HARKNESS

shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained directly or indirectly by them as the result of the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to, the sum of \$2,082.

If any of the property subject to forfeiture as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

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FOREPERSON

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PATRICK L. MEEHAN  
United States Attorney